

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) :	Becker et al.)	Examiner:
)	To Be Assigned
Serial No. :	Continuation of 09/147,875)	
)	Art Unit:
Cnfrm. No. :	To Be Assigned)	To Be Assigned
)	
Filed :	Herewith)	
)	
For :	STRAIN SELECTION OF PNEUMOCOCCAL)	
	SURFACE PROTEINS)	
)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.97-1.98

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §§ 1.97-1.98, applicants hereby bring to the attention of the United States Patent and Trademark Office, the enclosed references listed on the attached PTO-1449 form.

Pursuant to 37 CFR § 1.98(d), the references identified on the attached PTO-1449 form are not provided, because these references either were previously cited by or submitted to the PTO in parent U.S. Patent Application Serial No. 09/147,875, filed September 22, 1997, of which this application claims priority under 35 U.S.C. §120.

Respectfully submitted,

Date: September 30, 2003

Alice Y. Choi
Alice Y. Choi
Registration No. 45,758

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1508
Facsimile: (585) 263-1600

EXPRESS MAIL CERTIFICATE

DOCKET NO.: **57909/391**
APPLICANT: **Robert S. Becker, David E. Briles, and Susan Hollingshead**
TITLE: **STRAIN SELECTION OF PNEUMOCOCCAL SURFACE
PROTEINS**

Certificate is attached to the **Information Disclosure Statement (1 page), PTO-1449 Form (3 pages) (in duplicate) and 53 references (references not attached)** as filed in the prior application of the above-named application.

EXPRESS MAIL NUMBER: **EV138584922US**
DATE OF DEPOSIT: **September 30, 2003**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Shawn A. Lockett
(Typed or printed name of person
mailing paper or fee)


(Signature of person mailing paper
or fee)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Continuation of 09/147,875
				Filing Date	Herewith
				First Named Inventor	Becker
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	1	of	3	Attorney Docket Number	57909/391

U.S. PATENT DOCUMENTS					
Examiner Initials ²	Cite No. ¹	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ³ (if known)			
	1	US-4,496,538	01/29/1985	Gordon	
	2	US-4,673,574	06/16/1987	Anderson	
	3	US-5,019,384	05/28/1991	Gefter et al.	
	4	US-5,476,929	12/19/1995	Briles et al.	
	5	US-5,679,768	10/21/1997	Briles et al.	
	6	US-5,955,089	09/21/1999	Briles et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials ²	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	7	EP 0 622 081 A2	11/02/1994	UAB Research Foundation		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known			
				Application Number		Continuation of 09/147,875	
				Filing Date		Herewith	
				First Named Inventor		Becker	
				Group Art Unit		To Be Assigned	
				Examiner Name		To Be Assigned	
Sheet	2	of	3	Attorney Docket Number		57909/391	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	8	Briles et al., <i>Microbial Drug Resistance</i> , 3(4):401-408 (1997)	
	9	Mufson et al., <i>JAMA</i> , 248:1486-1489 (1982)	
	10	Hook et al., <i>JAMA</i> , 249:1055-1057 (1983)	
	11	Breiman et al., <i>Arch. Intern. Med.</i> , 150:1401-1405 (1990)	
	12	Afessa et al., <i>Clin. Infect. Disease</i> , 21:345-351 (1995)	
	13	Fang et al., <i>Medicine</i> , 69:307-316 (1990)	
	14	Marie et al., <i>Rev. Infect. Dis.</i> , 11:586-599 (1989)	
	15	Torres et al., <i>Am. Rev. Respir. Dis.</i> , 144:312-318 (1991)	
	16	Bluestone et al., <i>Pediatr. Infect. Dis. J.</i> , 11:S7-S11 (1992)	
	17	Teele et al., <i>J. Infect. Dis.</i> , 1650:83-94 (1989)	
	18	Schutze et al., <i>Infection</i> , 22:233-237 (1994)	
	19	Privitera et al., <i>Diagnostic Microbiology and Infectious Disease</i> , 19:157-161 (1994)	
	20	Bizzozero et al., <i>Arch. Intern. Med.</i> , 123:388-393 (1969)	
	21	Workman et al., <i>Lancet</i> , 342:746-747 (1993)	
	22	Koornhof et al., <i>Clin. Infect. Dis.</i> , 15:84-94 (1992)	
	23	Dagan et al., <i>Pediatr. Infect. Dis. J.</i> , 13:782-786 (1994)	
	24	Reicheler et al., <i>J. Infect. Dis.</i> , 171:1491-1496 (1995)	
	25	Freidland et al., <i>Pediatr. Infect. Dis. J.</i> , 12:196-200 (1993)	
	26	Fedson et al., <i>Vaccines</i> , pp. 517-564 (1994)	
	27	Takala et al., <i>J. Infect. Dis.</i> , 164:982-986 (1993)	
	28	Takala et al., <i>Pediatr. Infect. Dis. J.</i> , 12:593-599 (1993)	
	29	Ward et al., <i>Vaccines</i> , pp.337-386	
	30	Murphy et al., <i>J. Pediatr.</i> , 122:517-523 (1993)	
	31	Mohle-Boetani et al., <i>Pediatr. Infect. Dis. J.</i> , 12:589-593 (1993)	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Continuation of 09/147,875
				Filing Date	Herewith
				First Named Inventor	Becker
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	3	of	3	Attorney Docket Number	57909/391

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	32	Watson et al., <i>Infect. Immun.</i> , 58:3135-3138 (1990)		
	33	Avery et al., <i>J. Exp. Med.</i> , 54:73-89 (1931)		
	34	DeVelasco et al., <i>Microbiological Reviews</i> , 59:591-603 (1995)		
	35	Butler et al., <i>JAMA</i> , 270:1826-1831 (1993)		
	36	Hirschmann et al., <i>Arch. Intern. Med.</i> , 154:373-377 (1994)		
	37	Briles et al., <i>Rev. Infect. Dis.</i> , 10:S372-S374 (1988)		
	38	Talkington et al., <i>Microb. Pathogen</i> , 13:343-355 (1992)		
	39	Yother et al., <i>J. Bacteriol.</i> , 174:601-609 (1994)		
	40	Yother et al., <i>J. Bacteriol.</i> , 176:2976-2985 (1994)		
	41	McDaniel et al., <i>Microb. Pathog.</i> , 17:323-337 (1994)		
	42	Ralph et al., <i>A. Ann. N.Y. Acad. Sci.</i> , 730:361-363 (1994)		
	43	Waltman et al., <i>Microb. Pathog.</i> , 5:159-167 (1988)		
	44	McDaniel et al., <i>J. Exp. Med.</i> , 160:386-397 (1984)		
	45	McDaniel et al., <i>Microbial Pathogenesis</i> , 1:519-531 (1986)		
	46	McDaniel et al., <i>J. Exp. Med.</i> , 165:381-394 (1987)		
	47	McDaniel et al., <i>Infect. Immun.</i> , 59:222-228 (1991)		
	48	Crain et al., <i>Infect. Immun.</i> , 56:3293-3299 (1990)		
	49	Talkington et al., <i>Infect. Immun.</i> , 59:1285-1289 (1991)		
	50	Yother et al., <i>J. Bacteriol.</i> , 174:610-618 (1992)		
	51	Kuby, <i>Immunology</i> , pp. 79-81 (1992)		
	52	Bocchia et al., <i>Blood</i> , 85:2680-2684 (1994)		
	53	Englehard et al., <i>Ann. Rev. Immunol.</i> , 12:181 (1994)		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Continuation of 09/147,875
				Filing Date	Herewith
				First Named Inventor	Becker
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
				Attorney Docket Number	57909/391
Sheet	1	of	3		

[illegible][illegible]

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at 222.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Continuation of 09/147,875
				Filing Date	Herewith
				First Named Inventor	Becker
				Group Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	2	of	3	Attorney Docket Number	57909/391

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	8	Briles et al., <i>Microbial Drug Resistance</i> , 3(4):401-408 (1997)	
	9	Mufson et al., <i>JAMA</i> , 248:1486-1489 (1982)	
	10	Hook et al., <i>JAMA</i> , 249:1055-1057 (1983)	
	11	Breiman et al., <i>Arch. Intern. Med.</i> , 150:1401-1405 (1990)	
	12	Afessa et al., <i>Clin. Infect. Disease</i> , 21:345-351 (1995)	
	13	Fang et al., <i>Medicine</i> , 69:307-316 (1990)	
	14	Marie et al., <i>Rev. Infect. Dis.</i> , 11:586-599 (1989)	
	15	Torres et al., <i>Am. Rev. Respir. Dis.</i> , 144:312-318 (1991)	
	16	Bluestone et al., <i>Pediatr. Infect. Dis. J.</i> , 11:S7-S11 (1992)	
	17	Teele et al., <i>J. Infect. Dis.</i> , 1650:83-94 (1989)	
	18	Schutze et al., <i>Infection</i> , 22:233-237 (1994)	
	19	Privitera et al., <i>Diagnostic Microbiology and Infectious Disease</i> , 19:157-161 (1994)	
	20	Bizzozero et al., <i>Arch. Intern. Med.</i> , 123:388-393 (1969)	
	21	Workman et al., <i>Lancet</i> , 342:746-747 (1993)	
	22	Koornhof et al., <i>Clin. Infect. Dis.</i> , 15:84-94 (1992)	
	23	Dagan et al., <i>Pediatr. Infect. Dis. J.</i> , 13:782-786 (1994)	
	24	Reicheler et al., <i>J. Infect. Dis.</i> , 171:1491-1496 (1995)	
	25	Freidland et al., <i>Pediatr. Infect. Dis. J.</i> , 12:196-200 (1993)	
	26	Fedson et al., <i>Vaccines</i> , pp. 517-564 (1994)	
	27	Takala et al., <i>J. Infect. Dis.</i> , 164:982-986 (1993)	
	28	Takala et al., <i>Pediatr. Infect. Dis. J.</i> , 12:593-599 (1993)	
	29	Ward et al., <i>Vaccines</i> , pp.337-386	
	30	Murphy et al., <i>J. Pediatr.</i> , 122:517-523 (1993)	
	31	Mohle-Boetani et al., <i>Pediatr. Infect. Dis. J.</i> , 12:589-593 (1993)	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known			
				Application Number		Continuation of 09/147,875	
				Filing Date		Herewith	
				First Named Inventor		Becker	
				Group Art Unit		To Be Assigned	
				Examiner Name		To Be Assigned	
Sheet	3	of	3	Attorney Docket Number		57909/391	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	32	Watson et al., <i>Infect. Immun.</i> , 58:3135-3138 (1990)	
	33	Avery et al., <i>J. Exp. Med.</i> , 54:73-89 (1931)	
	34	DeVelasco et al., <i>Microbiological Reviews</i> , 59:591-603 (1995)	
	35	Butler et al., <i>JAMA</i> , 270:1826-1831 (1993)	
	36	Hirschmann et al., <i>Arch. Intern. Med.</i> , 154:373-377 (1994)	
	37	Briles et al., <i>Rev. Infect. Dis.</i> , 10:S372-S374 (1988)	
	38	Talkington et al., <i>Microb. Pathogen</i> , 13:343-355 (1992)	
	39	Yother et al., <i>J. Bacteriol.</i> , 174:601-609 (1994)	
	40	Yother et al., <i>J. Bacteriol.</i> , 176:2976-2985 (1994)	
	41	McDaniel et al., <i>Microb. Pathog.</i> , 17:323-337 (1994)	
	42	Ralph et al., <i>A. Ann. N.Y. Acad. Sci.</i> , 730:361-363 (1994)	
	43	Waltman et al., <i>Microb. Pathog.</i> , 5:159-167 (1988)	
	44	McDaniel et al., <i>J. Exp. Med.</i> , 160:386-397 (1984)	
	45	McDaniel et al., <i>Microbial Pathogenesis</i> , 1:519-531 (1986)	
	46	McDaniel et al., <i>J. Exp. Med.</i> , 165:381-394 (1987)	
	47	McDaniel et al., <i>Infect. Immun.</i> , 59:222-228 (1991)	
	48	Crain et al., <i>Infect. Immun.</i> , 56:3293-3299 (1990)	
	49	Talkington et al., <i>Infect. Immun.</i> , 59:1285-1289 (1991)	
	50	Yother et al., <i>J. Bacteriol.</i> , 174:610-618 (1992)	
	51	Kuby, <i>Immunology</i> , pp. 79-81 (1992)	
	52	Bocchia et al., <i>Blood</i> , 85:2680-2684 (1994)	
	53	Englehard et al., <i>Ann. Rev. Immunol.</i> , 12:181 (1994)	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.